

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

NABIL FARAG,

Petitioner,

v.

STATE OF WASHINGTON,

Respondent.

CASE NO. C12-5865 BHS

ORDER DENYING MOTION
FOR RECONSIDERATION

This matter comes before the Court on Petitioner Nabil Farag's ("Farag") motion for reconsideration (Dkt. 12).

On September 27, 2012, Farag filed a petition for writ of habeas corpus apparently contesting state court convictions from a case that was filed in 2006. Dkt. 1. On January 24, 2013, the Court dismissed Farag's petition because Farag had failed to show that he met the jurisdictional requirement that he was in custody of the state when the petition was filed. Dkt. 10. On February 5, 2013, Farag filed a motion for reconsideration of the dismissal. Dkt. 12.

1 Farag cites two cases for the proposition that the collateral consequences of his
2 conviction do not render his petition “moot.” *Id.* at 1 (citing *Puchner v. Kruziki*, 111 F.3d
3 541 (7th Cir. 1997) and *Wood v. Hall*, 130 F.3d 373 (9th Cir. 1997)). Those cases,
4 however, are factually distinguishable from Farag’s case because those petitioners were
5 in custody when they filed their petitions and subsequently released from custody. In this
6 case, although collateral consequences may flow from his conviction, he has failed to
7 show that he was “in custody” when he filed his petition. In fact, he asserts that his
8 community custody ended January 5, 2010, which is almost two years before he filed his
9 petition. Therefore, the Court **DENIES** Farag’s motion for reconsideration.

10 **IT IS SO ORDERED.**

11 Dated this 26th day of February, 2013.

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14 BENJAMIN H. SETTLE
15 United States District Judge
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